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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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09/988,301

11/19/2001

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10/17/2006

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EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/988,301 | <b>Applicant(s)</b><br>AUDEBERT ET AL. |  |
|                              | <b>Examiner</b><br>David G. Cervetti | <b>Art Unit</b><br>2136                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's arguments filed July 25, 2006, have been fully considered.
2. Claims 16-27 are pending and have been examined. Claims 1-15 have been cancelled.

### ***Response to Amendment***

3. Applicant's arguments with respect to the prior art used in the prior office action have been considered but are moot in view of the new ground(s) of rejection.

### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 16-20 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Postlewaite et al. (US Patent 5,854,891, hereinafter Postlewaite).**

**Regarding claims 16 and 22**, Postlewaite teaches a system for reducing the delay of retrieving data from a personal security device (PSD) (**abstract**), the system comprising:

- a client computer that functionally interfaces with the PSD and comprises a memory cache and a cache server (**summary**), wherein the cache server:
  - o retrieves information comprising encrypted data and an access privilege pertaining to the data from the PSD and stores the information in the memory cache (**column 5, lines 5-50**),
  - o verifies from the cached access privilege, upon receiving a program request for the cached data, that the requesting program has a right to access the cached data (**column 5, lines 15-40**),
  - o decrypts the encrypted cached data only if the requesting program has a verified access right to the cached data (**column 5, lines 15-40**), and
  - o provides the decrypted data to the requesting program (**column 5, lines 15-40**).

**Regarding claims 17 and 23**, Postlewaite teaches wherein the cache server flushes the memory cache upon detecting a status change (**column 5, lines 17-30**).

**Regarding claims 18 and 24**, Postlewaite teaches

- the cache server is assigned exclusive rights to the memory cache and an assigned interface port that functionally interconnects the client computer and the PSD; and

Art Unit: 2136

- the cache server releases the assigned exclusive rights upon detecting the status change (**column 5, lines 15-40**).

**Regarding claims 19 and 25**, Postlewaite teaches wherein the status change includes a logout of an end user, an attempted login of a second end user, a rebooting of the client computer, or encountering an error situation (**column 5, lines 15-40**).

**Regarding claim 20**, Postlewaite teaches wherein the cache server is executed by the client computer following a successful end user validation by the PSD (**summary**).

**Regarding claim 26**, Postlewaite teaches validating an end user of the client computer with the PSD before retrieving the information from the PSD to store in the memory cache (**summary**).

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postlewaite.**

**Regarding claims 21 and 27**, Postlewaite does not expressly disclose using volatile memory. However, Examiner takes Official Notice that using volatile memory was conventional and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use such memory with the system of Postlewaite since Examiner takes Official Notice that it was conventional and

Art Unit: 2136

well known and because it would have provided even faster access to the information stored in the virtual tokens/card.

**Conclusion**


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DGC

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10/13/06